



JPW / 18

THE UNITED STATES PATENT AND TRADEMARK OFFICE

D-1508

Applicant : Katsura Nakajima et al.
Title : ND FILTER AND APERTURE DEVICE INCLUDING THE SAME
Serial No. : 10/600,528
Filed : June 23, 2003
Group Art Unit : 2872
Examiner : Leonidas Boutsikaris

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

August 23, 2004

RESPONSE AND
SUBMISSION OF PRIORITY DOCUMENT

Sir:

On page 2 of the Office Action of June 16, 2004, claims 1-3, and 6 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 4-5, and 8 of copending application No. 10/600,531. Also, on page 3 of the Action, claims 4 and 5 were objected to as being dependent upon a rejected base claim, but indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

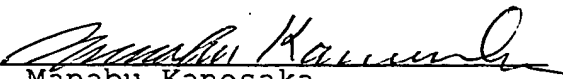
In view of the rejection, a terminal disclaimer in compliance with 37 CFR 1.321(c) has been filed herewith. A credit card authorization form in the amount of \$110.00 is attached herewith for the terminal disclaimer fee.

Also, a priority document of Japanese Patent Application No. 2002-190705 filed on June 28, 2002 has been filed. A priority of the Japanese application is claimed herewith.

Reconsideration and allowance are earnestly solicited.

Respectfully submitted,

HAUPTMAN KANESAKA BERNER
PATENT AGENTS, LLP

by 
Manabu Kanesaka
Reg. No. 31,467
Agent for Applicants

1700 Diagonal Road, Suite 310
Alexandria, VA 22314
(703) 519-9785